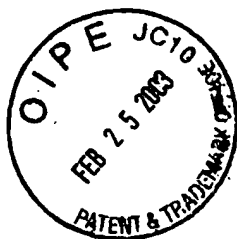


F-6912

#12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant : Herbert WEGNER et al.  
Serial No. : 09/806,216  
Filed : ~~March 27, 2001~~ April 25, 2001  
Title : DEVICE FOR GENERATING AN AEROSOL  
Group Art Unit : (Not yet known)  
Examiner : (Not yet known)

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 on February 19, 2003

Frank J. Jordan  
(Name)

  
(Signature and Date)

02/19/03

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

**PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT BASED ON FAILURE TO RECEIVE  
OFFICE ACTION UNDER MPEP 711.03(c) II**

Sir:

This will confirm that Counsel received a telephone call from Examiner Charles S. Bushey on or about July 31, 2002 wherein Examiner Bushey indicated that an Office Action dated July 17, 2002 had been issued and he inquired as to whether a response had been filed. Applicant never received an Official Action dated July 17, 2002 and the first time that applicant became aware that an Official

Action had been issued was during the aforementioned telephone conversation with Examiner Bushey.

Applicant has since received an Official Notice of Abandonment dated January 31, 2003 on February 3, 2003.

It is respectfully requested that the Patent Office grant this Petition to withdraw the holding of abandonment and that the Patent Office mail to applicant a copy of the Official Action dated July 17, 2002.

A search of the Counsel's file jacket and docket records indicate that the Official Action of July 17, 2002 was not received. Attached hereto as Exhibit A is a copy of a page from applicant's docket book where the non-received Office Action dated July 17, 2002 would have been entered had it been received and docketed. Thus, the response to the Official Action dated July 17, 2002 would have been due October 17, 2002 and the enclosed docket record shows that there is no entry on this date for F-6912 which is applicant's docket number for this instant application Serial No. 09/806,216.

Applicant enters on the front of each file folder the due date for responding to all Office Actions. Enclosed is a copy of the front of the file folder for Serial No.

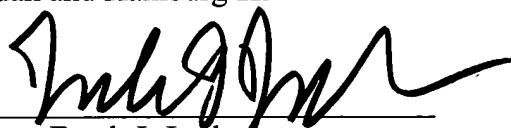
09/806,216 and it will be seen that there is no entry for the due date of October 17, 2002.

It is believed that the above supports Counsel's statement that the Official Action dated July 17, 2002 was not received. In view of the above, granting of the Petition and withdrawal of the Notice of Abandonment is respectfully requested. Since the Notice of Abandonment was issued through no fault of applicant, in fairness and in equity, it is believed that applicant should not have to pay a Petition fee. Nevertheless, if a Petition fee is required, please charge to Deposit Account 10-1250. Please charge any additional fees in connection with this application to Deposit Account 10-1250.

Respectfully submitted,

Jordan and Hamburg LLP

By



Frank J. Jordan

Reg. No. 20,456

Attorney for Applicants

122 East 42nd Street  
New York, New York 10168  
(212) 986-2340

FJJ/cj

Enc.

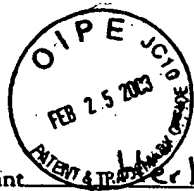
Copy of applicant's docket book showing entries made before and prior to October 17, 2002

Copy of the outer cover page of applicant's file for U.S. Serial No. 09/806,210

U.S. Nat'l St.

PCT/EP99/09464 Filed Dec. 3, 1999

F-6912



Patent No.

Granted

Applicant Herbert WEGNER et al.

Ser. No. 09/806,216

Group 1704

Filed March 27, 2001 April 25, 2001

Room

For Device for Generating An Aerosol

Drawings \_\_\_\_\_ Sheets, Executed \_\_\_\_\_

Forwarded \_\_\_\_\_

Allowed \_\_\_\_\_

Allowance Notice Sent \_\_\_\_\_

Final Fee Sent \_\_\_\_\_

Receipt for Final Fee \_\_\_\_\_

Patent Delivered to \_\_\_\_\_

Assignee GEA Finnan GmbH

Assignment Forwarded \_\_\_\_\_

Recorded 4/27/01

Reel 011787

042: Frame

Assignment Returned \_\_\_\_\_

Delivered Assignee \_\_\_\_\_

Foreign German Pat. Appl. No. 298 21 687.6 filed Dec. 5, 1998

Apph. Due - June 5, 2001

Decl. Due - April 27, 2001

Response Due - Sept. 28, 2001

711.03 C II

1156 02 53 11-16-43

Applicant's Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

Rec'd from Busse  
(B)

299233/Ha

9231 PATENT FOLDER

EXCELSIOR-LEGAL, INC., NYC 10

(100) 221-2  
• Prof. 10/21

09/806,216

S.N.

Busse



